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RUEAYVF/FAA MIAMI ARTCC MIAMI FL
RUEWMFU/TSA HQ WASHINGTON DC
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RUEHRI/AMCONSUL RIO DE JANEIRO 4168
RUEHSO/AMCONSUL SAO PAULO 9570
RUEHRG/AMCONSUL RECIFE 6483
RUEHBU/AMEMBASSY BUENOS AIRES 4702
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STATE FOR EB/TRA: JHORWITZ, JREIFMAN, KGUSTAFSON
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BUENOS AIRES PASS TSA/JOCHOA

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TAGS: [EAIR](#) [PGOV](#) [OTRA](#) [ECON](#) [BR](#)
SUBJECT: BRAZIL: AIR TRAFFIC CONTROLLERS STRIKE, MAY BE PROSECUTED

REF: A. 07 BRASILIA 485

- [1](#)B. 06 BRASILIA 2680
- [1](#)C. 06 BRASILIA 2521
- [1](#)D. 06 BRASILIA 2315

Sensitive but Unclassified, please protect accordingly.

[1](#)1. (SBU) Summary: On March 30, between 120 and 200 air traffic controllers (ATCs) initiated the strike that they had been obliquely threatening for months, marking another tense chapter in Brazil's civil aviation history. Due to the military's control of the ATC system, this action was considered to be mutiny: Air Force sergeants defied their commanding officers and effectively halted travel in much of the country on Friday, March 30, causing widespread flight cancellations and delays of more than 28 hours in some cases. The action reportedly was the largest military rebellion in Brazil since 1963/64. The controllers' demands include the transfer of the ATC function to civilian authorities, which would allow for better pay and working conditions. The Commander of the Air Force, General Juniti Saito, threatened to arrest the striking controllers. He was initially reined in by President Luiz Inacio Lula da Silva, who learned about the strike while traveling to the U.S. for his Camp David meeting with President Bush. Lula instructed the Minister of Planning, Paulo Bernardo, to negotiate with the controllers. The resulting deal called for giving the controllers the option of leaving the military and working for a new ATC agency under the Ministry of Defense, which eventually would be moved under civilian control.

¶2. (SBU) Upon his return to Brazil, Lula met with Saito, Minister of Defense Waldir Pires, and others on the crisis. Saito and Pires apparently convinced Lula that not punishing the strikers for clear-cut insubordination would be a threat to military discipline. The legality and practicality of the deal with the controllers was also questioned, as President Lula did not have the constitutional authority to countermand the administration of military justice. Lula ultimately backtracked and repudiated the deal; the strike leaders are now being threatened with arrest and exemplary punishment in military courts. Meanwhile, in airports over the March 31-April 1 weekend, chaos was in full bloom. News cameras captured distraught would-be passengers engaging in sporadic acts of violence, including occasional fistfights and hurling objects at frightened airline workers cowering behind counters. Events continue to unfold quickly, but with the crisis quickly becoming a political football for Lula, discussion of the fundamental problems in the ATC system is becoming overshadowed by the political drama. So far, embattled Defense Minister Pires, the man responsible for resolving the ATC mess, is maintaining his tenuous grip on his position and appears to have Lula's support. End Summary.

¶3. (U) Flights across much of Brazil ground to a halt on Friday, March 30, after a group of striking controllers, based primarily at the Air Force's Integrated Center for Air Defense and Air Traffic Control-1 (CINDACTA-1) in Brasilia, halted all take-offs in the most congested airspace in Brazil-- the Brasilia-Rio de Janeiro-Sao Paulo corridor. President Lula, informed of the strike en route to Camp David, initially overruled Saito's intent to arrest the strikers and order the remaining controllers back to work. Lula instead instructed Minister Bernardo to negotiate a deal with the strikers. Initial reports indicated that a provisional measure (MP -- a presidential decree with immediate force of law, but subject to Congressional ratification) would be signed April 3 to immediately transfer 1500 of 2400 military controllers to a new entity, the

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"General Control of Aerial Circulation," which would initially be linked to the Ministry of Defense, but not report to the Air Force. This was seen as an interim measure on the way to civilian oversight of the ATC function. Air Force Commander Saito stated soon after the strike ended on March 31 that within 45 days, all remaining ATCers would no longer be under Air Force command. "There is no longer an environment for them to work there," Saito said.

¶4. (U) However, Lula reportedly backtracked and disavowed the deal after spending nearly all day April 2 closeted with the commanders of the Army, Navy and Air Force. Lula emerged from the meeting and said that he viewed the striking ATCers as traitors, chastised them for waiting until he traveled to the United States to begin their strike, and called their paralyzing of the country's air traffic "irresponsible." He said he does not recognize the agreement that was concluded with the controllers in the middle of the chaos on March 31. At that time, Lula said, Minister Paulo Bernardo was given the mission to take control of the air traffic situation and get it functioning again. Lula argued that the agreement with the mutineers was not a true negotiation, since it took place under duress; getting air traffic moving again was a question of national security, and there was no reserve of ATCers to take the mutineers' places.

¶5. (SBU) On April 4, military prosecutors opened an inquiry, expected to take 40 days, to investigate the controllers' actions. If ultimately convicted of military crimes in a trial, the controllers who participated in the strike could receive prison terms of four to eight years, with the leaders subject to up to one-third longer terms. Several DAO contacts, while condemning the mutiny, also questioned Lula's usurping of Saito's authority. Lula's backtracking from the deal with the strikers probably averted a crisis between the administration and the military. According to the DAO, the military is now claiming that there was simply a misunderstanding when the crisis first began on Friday; that Lula thought Saito wanted to immediately imprison 80 controllers. Instead, the Air Force sought to take into custody 18 ringleaders scattered amongst the four CINDACTAs in the country (Brasilia, Curitiba, Recife, and Manaus) who had been identified pursuant to a

year-long, internal inquiry, and punish them through the military justice system. These ringleaders were seen as contaminating the rest of the ATC force. It is also worth noting that the source claims that 80--not 120 to 200--military ATCers were involved in the strike on Friday, contrary to the figures reported by the press.

The ATCers' Demands

¶6. (U) The reported 120 to 200 controllers who participated in the strike nationwide began their efforts at 6:45 PM on March 30, when ATCers at CINDACTA-I in Brasilia stopped all takeoffs and began a hunger strike, and now face the threat of prosecution and imprisonment. Their manifesto outlined the following complaints: chiefly, that their military commanders have obliged them to handle more flights than international norms (set by ICAO) recommend; that their pay does not match that of the (smaller number of) civilian air traffic controllers; and that they are working with outdated equipment. "We have reached the limits of the human condition. . . we do not trust our equipment, nor our commanders," said the document. In order to address these complaints, they demanded that the ATC function be removed from the Air Force and placed under civilian authority.

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The Air Force's Warning Shot

¶7. (U) Saito fired back at the controllers of CINDACTA-4, in a March 31 letter. He told them they had "infringed on discipline and the hierarchy of the military," and for that, they needed to leave the Air Force. The ATCers subsequently received a questionnaire, which included a question about whether they wished to remain part of the Air Force. According to reports, dozens opted to abandon military life. Wellington Rodrigues, president of the Brazilian Association of Air Traffic Controllers (ABCTA), put the number as high as 90% of the 2,200 military ATCers, while the military claims it would be more along the lines of 80%. This was before the most recent reports that the Supreme Court had condemned the strike and the Military Prosecutors had determined that the Air Force would open a Military Tribunal to investigate and prosecute the conduct of the striking controllers.

The Tug of War over Resources

¶8. (U) Any demilitarization of Brazil's ATC system faces significant difficulties. The ATC radars, communications systems and computers belong to the Air Force, which reportedly would not consider having a new civilian ATC organization take over the equipment as the same radars and navigation systems also are used for air defense. New facilities would also need to be constructed, as the military sharing space with civilian controllers is also seen as inadvisable, particularly if the civilian corps is created from former military controllers.

The Status Quo?

¶9. (U) Despite the frequent twists and turns of this crisis over the last weekend, flights are once again limping along. By April 1, a relatively modest 18 flights were canceled, representing only 1.6 percent of flights in the country. 20.4 percent of all flights were more than an hour delayed, but that figure is typical of the unfortunate pattern of the past several months. Representatives of the controllers have stated publicly that they will not disrupt traffic over the Easter weekend, but may strike again given Lula's repudiation of the deal.

¶10. (U) Defense Minister Pires, the person responsible for fixing the mess, is still clinging to his position by a thread. Lula was quoted in a press conference Wednesday, in response to a question from reporters regarding Pires' tenure: "He will continue in the job. [The] Minister. . . I wanted to put him there, if one day I need to take him out, I will do it. For now, this is not the

question."

¶11. (SBU) Comment: The GoB is in a quandary. One of the principal problems in the ATC system is an insufficient number of controllers to deal with the number of flights, as air traffic has grown 19 percent per year over the last three years. As the military takes three years to train a new controller, they can ill afford to lose any of its scarce air traffic controllers to prison terms. This may be the reason the GoB is now mulling prosecution only of the 18 perceived ringleaders. However, given the problem of resources (outdated ATC equipment and facilities), simply transferring authority over the ATC function to the civilian side seems unlikely to improve the situation in the near term. It will eventually

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become a civilian function, agree DAO sources, but it will not happen in one month, or probably even six months. The media has speculated the complete transition could take as long as seven or eight years. Regardless, the issue is becoming a hot political topic, with Lula's congressional allies hard pressed to block the formation of a congressional inquiry into the ATC crisis. It looks likely that the politics will continue to overshadow discussion of the fundamental problems of resources and management and that the ongoing agony that Brazilian air travelers have suffered during the past few months will continue. End Comment.

¶12. (SBU) Mission Brazil has worked with the FAA to schedule an April 13 conference call with GoB military and civil aviation authorities to discuss and exchange information on technical ATC issues. Embassy is also working to set up follow-on sidebar meetings between the FAA representatives and these GoB counterparts while they attend the Latin American Civil Aviation Commission's CEPETJA (political and economic subgroup) meeting from April 23-24 in Rio de Janeiro. It is hoped that these bilateral discussions will lead to some form of USG assistance to help Brazil begin to arrest the developing air traffic control crisis.

¶13. (SBU) A political analysis of the air traffic crisis will follow septel.

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